

ZB# 07-55

Eve Freda

47-1-35

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
closed Aug. 08

07-55 Eve Freda (RLF Medical Ma
10 Louise Dr. (47-1-35)

07-55

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 07-25

DATE: 10-3-07

APPLICANT:

**Eve Freda (dba Freda Home Professional Office/RLF Management Inc.
10 Louise Drive
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 8-6-07

FOR: SITE PLAN

LOCATED AT: 10 Louise Drive, New Windsor

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SEC: 47 BLOCK: 11 LOT: 35

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Applicant is seeking a variance to the provisions for Home Professional Offices which restricts the operation to employ no more than one person. Applicant proposes to employ five employees in the business. Applicant proposes a total of seven off-street parking spaces.

TOWN OF NEW WINDSOR CODE: Definitions – Section 300-89

Mark J. Edsall, P.E., P.P.
Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board



7/17/2007
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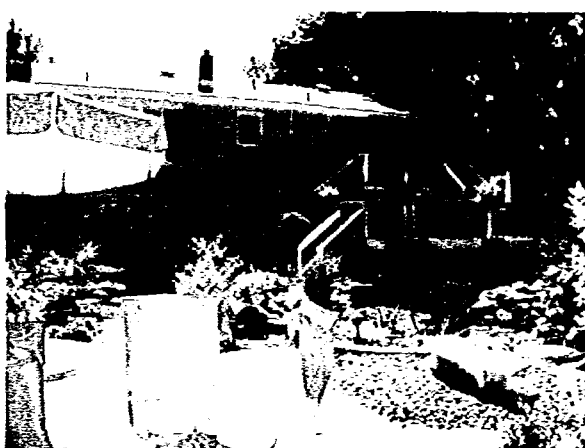
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NEW WINDSOR ZONING BOARD OF APPEALS

SBL: (47-1-35)

In the Matter of the Application of

**MEMORANDUM OF
DECISION GRANTING**

EVE FREDA

(dba Freda Home Professional Office/RLF Management Inc.

AREA

CASE #(07-55)

WHEREAS, Joseph Minuta, AIA represented the , owner(s) of 10 Louise Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for Variance to the provisions for Home Professional Offices which restricts the operation to employ no more than one person. Applicant proposes to employ five employees in the business. Applicant proposes a total of seven off-street parking spaces at 10 Louise Drive in an R-4 Zone

WHEREAS, a public hearing was held on January 28, 2008 and continued on February 25, 2008 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was two spectators appearing at the public hearing; and

WHEREAS, two spectators spoke in favor of the Application and no persons spoke in opposition thereto; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-4 zone.

- (b) The property is partially used for a Home Professional Office, which is an allowed use under the New Windsor Zoning Code. The applicant seeks to increase the number of persons allowed to be employed under such usage. It is the position of the Town that this is an Area Variance.
- (c) The Home Professional Use has been in existence for approximately 20 years. During this time, there have been no complaints, either formal or informal, other than the single complaint, which brought this matter before the ZBA.
- (d) The applicant employs five persons and has seven off-street parking places.
- (e) The nature of the use is for medical billing. It is, therefore, does not have any visitors nor members of the public. In fact, the use is not even identified by a sign. A small sign is allowed under the New Windsor Zoning Code but, is not employed by the applicant.
- (f) The property is improved by a single-family dwelling, a portion of which is utilized for the Home Professional Office usage.
- (g) The hours of operation of the existing business are 8:00 a.m. - 4:00 p.m., Monday thru Friday.
- (h) The applicant occupies the premises as a residential dwelling and understands that that is a requirement of the New Windsor Zoning Law and anyone operating the business will actually reside in the premises.
- (i) The seven off-street parking places are in compliance with the prior Town of New Windsor Zoning Code.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s) provided that the following two conditions are met by the applicant:
 1. The hours of operation of the business shall be not more than 7:00 a.m. – 5:00 p.m. – Monday – Friday of each week, and
 2. The business employ no more than 5 individuals.

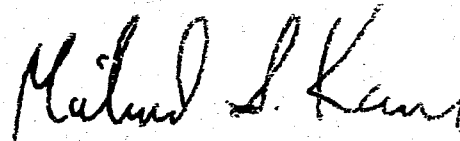
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for Variance to the provisions for Home Professional Offices which restricts the operation to employ no more than one person. Applicant proposes to employ five employees in the business. Applicant proposes a total of seven off-street parking spaces at 10 Louise Drive in an R-4 Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: February 11, 2008



Chairman

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: JACK FINNEGAN, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 04-18-08
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 225.94 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #07-55

NAME & ADDRESS:

**RLF MEDICAL MANAGERS INC.
10 LOUISE DRIVE
NEW WINDSOR, NY 12553**

THANK YOU,

MYRA

J.F.04-18-08



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #07-55

TYPE:INTERP. AND/OR VARIANCETELEPHONE: 562-7995

APPLICANT:

Eve Freda
10 Louise Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # <u>1200 & cash 25.00</u>

ESCROW: COMMERCIAL \$500.00 CHECK # 1199

~~~~~

| <u>DISBURSEMENTS:</u> | <u>MINUTES</u>       | <u>ATTORNEY</u> |
|-----------------------|----------------------|-----------------|
|                       | <u>\$7.00 / PAGE</u> | <u>FEE</u>      |

|                              |            |       |                 |                 |
|------------------------------|------------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>5</u>   | PAGES | <u>\$ 35.00</u> | <u>\$ 35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | <u>   </u> | PAGES | <u>\$     </u>  | <u>\$     </u>  |
| PUBLIC HEARING:              | <u>9</u>   | PAGES | <u>\$ 63.00</u> | <u>\$ 35.00</u> |
| PUBLIC HEARING:              | <u>8</u>   | PAGES | <u>\$ 56.00</u> | <u>\$ 35.00</u> |

LEGAL AD: Publish Date:01-15-08 \$ 15.06

TOTAL: \$169.06 \$105.00

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ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 274.06

AMOUNT DUE: \$

REFUND DUE: \$ 225.94

Cc:

J.F. 04-18-08

Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

MUNICIPALITY: Town of New Windsor

TAX MAP ID: 47-1-35
(Section-Block-Lot)

Local File #: 07-55
Please refer to this number in any correspondence.

Project Name: eve freda (RLF MANAGEMENT)

Applicant: Eve Freda
Address: 10 Louise Drive

Send Copy of Letter to Applicant: (check one)
Yes ☒ No ☐

Attorney, Engineer, Architect: Minuta Architecture

Location of Site: 10 Louise Drive
(Street, highway, nearest intersection)

Size of Parcel: _____ Existing Lots: yes Proposed Lots/Units: _____

Present Zoning District: R-4

TYPE OF REVIEW:

- ☐ Site Plan (SP): _____
- ☐ Special Use Permit* (SUP) _____
- ☒ Variance* USE (UV): _____
- AREA (AV): XX
- ☐ Zoning District Change* From: _____ To: _____
- ☐ Zoning Amendment To Section: 300-89
- ☐ Subdivision: Major _____ Minor _____
- ☐ Sketch ☐ Preliminary ☐ Final (Please indicate stage)
- ☐ Other Comments: _____

Date: 10-15-07

Signature – Myra Mason, Secretary - ZBA

* Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID# _____
GML 239 Referral Guide – 02/27/2007



RESULTS OF Z.B.A. MEETING OF:

February 25, 2008

PROJECT: Eve Freda - RLS

ZBA # 07-55

P.B.#

USE VARIANCE:

NEED: EAF

PROXY



LEAD AGENCY: M) S) VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y N

Continuation:

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) 60 S) 1 VOTE: A 4 N 0.

GANN Bedetti
~~LUNDSTROM~~
LOCEY
TORPEY
KANEA
A
A
A

CARRIED: Y N

Conditions

hrs 7-5 M-F
5 Emp



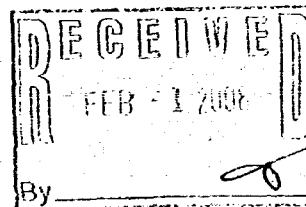
THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
1/28/2008	1150

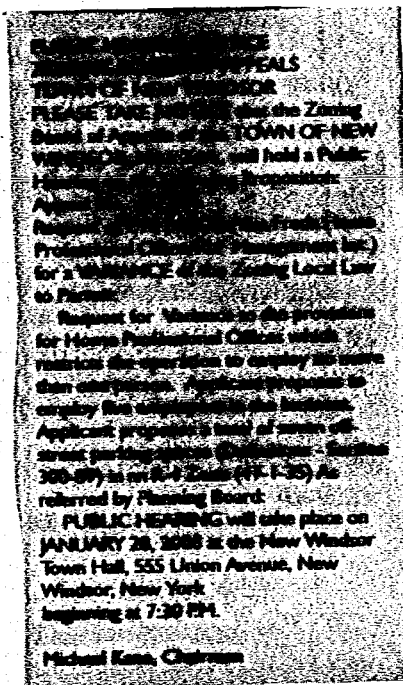
Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553



KK.

P.O. No.	Terms	Project

Issue Date	Description	Rate	Amount
1/15/2008	LEGAL ADS: FREDA - ZBA #07-55	11.06	11.06
	1 AFFIDAVIT	4.00	4.00
		Total	\$15.06



State of New York

County of Orange, ss:

Kathleen O'Brien, being duly sworn, disposes and says that she is the Supervisor of the Legal Department of the E.W. Smith Publishing Company, Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which is annexed is a true copy was published in said newspaper 1 times(s) commencing on the 15th day of January, A.D., 2008 and ending on the 15th day of January, A.D., 2008.

Kathleen O'Brien

Subscribed and shown to before me this 29th day of January, 2008.

Deborah Green

Notary Public of the State of New York

County of Orange

My commission expires

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

January 28, 2008

15

PUBLIC HEARINGS:

EVE_FREDA_(07-55)

MR. KANE: Request for variance to the provisions for Home Professional Offices which restricts the operation to employ no more than one person. Applicant proposes to employ five employees in the business. Applicant proposes a total of seven off-street parking spaces.

Mr. Joseph Minuta appeared before the board for this proposal.

MR. MINUTA: Good evening.

MR. KANE: Evening. Let me just start off by saying you have been here before so I think you know what I'm going to say is that we only have three members on the board here tonight. So as I always do, I will give you the option to hold off on a vote until the next meeting when we have more members cause as you know it will take all three votes to be favorable for this project to pass so we'll be giving you that option later on.

MR. MINUTA: Thank you very much. Joseph Minuta with Minuta Architecture here representing Eve Freda, RLF Management. We were here before you on October 22 of last year for the preliminary meeting and the existing use has been, the existing house has been utilized for 20 years in this capacity. Prior zoning allowed for different numbers of people, the furthest back which is where this would relate would be 1975 allowing two persons, no more than two persons to be employed by the business. It also has a provision for minimum seven parking spaces. With this particular use they have five employees and seven parking spaces. So what we're requesting this evening is to continue this existing business as it exists through a variance by this board. We have been referred by the planning board and if I recall the chairman's quote was there's not much heavy

lifting here. With that, I will open this back to the board and possibly the public.

MS. LOCEY: Is this one residence in addition to an office profession?

MR. MINUTA: Yes.

MS. LOCEY: What kind of professional office services?

MR. MINUTA: They do medical billing so essentially just invoicing, billing, that sort for medical professions.

MS. LOCEY: So there's not a lot of traffic coming and going?

MR. MINUTA: No, the only traffic that they have are basically the employees and the residents who live there.

MR. KANE: All five employees there at the same time?

MR. MINUTA: Yes.

MS. LOCEY: What hours of operation is that?

MR. MINUTA: I'd have to defer, 9 to 5?

MS. FREDA: It's 8 to 4, Monday and Friday, 8 to 4, Tuesday, Wednesday, Thursday to 2 Monday and Friday.

MR. MINUTA: That's Mrs. Eve Freda for the record.

MR. KANE: And again it's been in operation approximately 20 years?

MR. MINUTA: Yes.

MR. KANE: Most pertinent question I will come up with

January 28, 2008

17

right now, have there been to your knowledge any complaints formally or informally about the home business?

MR. MINUTA: There was one complaint that was filed and that was through a person who's in relation to the applicant under a parental sort of circumstances and other than that there have been no other formal grievances against this business since to our knowledge.

MR. KANE: Was the person a resident of the area or--

MR. MINUTA: They live away from this general vicinity. Were they ever employed?

MS. FRED: His wife was an employee years ago.

MR. KANE: Thank you. I think at this point what we'll do is we'll open it up to the public for any public statements.

MR. BEDETTI: I have one question.

MR. KANE: We're coming back to the board definitely so what we're going to do is open it up to the public, any questions they want to ask or any statements they want to make, this is the time to do it. Ma'am?

MS. DUPONA: Mary Dupona, 1 Garden Drive, New Windsor. I want just want to say I've been a neighbor for 50 years and she's an honor to the neighborhood and her property is beautiful. She's very well easy to get along with and it's a credit to have her in our area.

MR. KANE: So we're going to assume that's a positive reaction for this?

MS. DUPONA: Yes.

January 28, 2008

18

MR. KANE: Thank you very much.

MR. KRIEGER: This operation hasn't caused you any difficulty?

MS. DUPONA: Absolutely not, it's a pleasure to have them on the property.

MR. BYRNE: Kevin Byrne, 4 Lewis Drive, New Windsor, 12553, I live three houses from them. I have been there eight years now, never had a problem with them whether it's the employees or anything.

MR. KANE: No wild parties?

MR. BYRNE: No, that's the other house though. But they, I mean, their employees, the cars, it's never a concern, I mean, as far as like the traffic and I actually live on the corner house so they have to pass my house going and it's never a problem.

MR. KANE: So in eight years no complaints whatsoever?

MR. BYRNE: No, sir.

MR. KANE: We'll take that as a positive.

MR. BYRNE: Thank you.

MR. KANE: Thank you very much. Anybody else for this particular hearing? That being said, we'll close the public portion of the hearing and ask Myra how many mailings we had?

MS. MASON: On January 11, I mailed out 41 addressed envelopes and had no response.

MR. KANE: Frank, you got a question?

MR. BEDETTI: Yes, is this a licensed business, is that

a licensed business?

MS. FREDA: No, it's not required.

MR. BEDETTI: Does this actually qualify for a home office? Is there a qualification that identifies number of state authorized businesses for a home for home business, does this business actually qualify for home business?

MR. BABCOCK: Yeah, that's not the definition of a home, you're reading the definition of a home office.

MR. BEDETTI: Right.

MR. BABCOCK: I think that says included but not limited to, something similar to that, doesn't mean you have to have a license. But anybody that does have a license what we want is a copy of that license and we want to make sure that they're adhering to the guidelines of wherever the requirements are of their license. If you have a veterinarian, could be something like that.

MS. LOCEY: Beautician.

MR. BABCOCK: Yes.

MR. BEDETTI: Again, they're all licensed.

MR. BABCOCK: Yes.

MR. KANE: You can have a home business that does not require a license.

MR. BEDETTI: It becomes a commercial business in a residential area, that's what it becomes.

MR. BABCOCK: No, it's a home professional office that's how it's being--

MS. LOCEY: So like similar to an accountant who works out of his home.

MR. BABCOCK: Well, that's correct, if it's an accountant that's working out of his own home by himself he would be considered a home occupation. So that's a little less requirement, that's a requirement to get a building permit, make sure you're not using a certain square footage of your house and this one requires the planning board and it also requires a public hearing by the planning board for the special permit, it's the difference. The reason is that she wouldn't be a home occupation is because she doesn't meet the criteria of that as far as employees, that's number one.

MR. KANE: Okay, any further questions?

MR. BEDETTI: No, I guess that's really where I was going with that relative to the number of people that you can employ in a residential area depending on where you want to go with that it opens it up to anything and everybody.

MR. BABCOCK: Well, I think that they're asking for this variance based on the information they're supplying they would be restricted to the number of people that they have now, if they have ten quite honestly if there's not a problem we probably wouldn't know if somebody was, who complained and they had more employees than what they're allowed by what they have demonstrated then we'd violate them on that.

MR. KRIEGER: Frank, so you know legally speaking every variance that the zoning board grants is based on its own facts, there's no precedence, somebody couldn't come in here and say well, I'm running a completely different type of business but they have five employees, I want to have five employees, doesn't work

that way. That's why all the inquiry is going on now related to the nature of the business and nature of the crowds and so forth. And I think that's also why the statute's written the way it's written including but not limited to because it's impossible for draftsman of any statute to anticipate all the possibilities, especially in the economy that we live in the inventiveness of people of ways to make money is limitless and you'd be a fool to try and anticipate all of them.

MR. KANE: Okay.

MR. BEDETTI: Yes.

MR. KANE: Any signs involved with the home?

MR. MINUTA: No.

MR. KANE: No future plans of any type of signage?

MR. MINUTA: No.

MR. KANE: Footprint of the home going to stay the same?

MR. MINUTA: Exactly.

MR. BABCOCK: Mr. Chairman, I think they're allowed an identification sign by zoning.

MR. KANE: Under the mailbox type thing.

MR. BABCOCK: I don't know the sign, six inches high by 18 inches long, so if they were to want something like that just for an identification they could have that.

MR. MINUTA: Thank you.

MR. KANE: Any further questions from the board? I

will give you the option, Joseph.

MR. MINUTA: Let me consult with my client, thank you.

(Discussion was held off the record)

MR. MINUTA: We have decided to hold this over for a fuller board. When would the next proceeding be?

MR. KANE: February 25th.

MR. MINUTA: Would we close the public hearing at this point?

MR. KANE: Everything's closed at this point except for the vote.

MR. MINUTA: So we could come back and present that at that time?

MR. KANE: That's correct.

MR. MINUTA: We'd like to do so.

MR. KRIEGER: The additional members would read the minutes, review and then have an opportunity to ask you whatever questions they wanted to ask you.

MR. MINUTA: Excellent.

MR. KRIEGER: But you shouldn't assume that, you necessarily don't have to make it a full presentation again, that's why they have, that's what she's here for.

MR. MINUTA: Thank you for the explanation.

MR. KANE: Have a good evening.

January 28, 2008

23

MR. KANE: We'll need a motion to table the vote on the Eve Freda application until February 25, 2008.

MR. BEDETTI: I'll make that motion that we table the decision until the next scheduled meeting.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn.

MR. BEDETTI: So moved.

MS. LOCEY: Second it.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer (2/15/08)

February 25, 2008

11

CONTINUATION_OF_PUBLIC_HEARING_FROM_JANUARY_28,_2008

EVE_FREDA_(07-55)

MR. KANE: Next is the continuation of a public hearing from January 28, Eve Freda d/b/a Freda Home Professional Office/ RLF Management, as referred by the planning board request for variance to provisions for home professional offices which restrict the operation to employ no more than one person. Applicant proposes to employ five employees in the business. Applicant proposes total of seven off-street parking spaces. Anything new, Joe, that you wanted to add?

MR. MINUTA: No, Mr. Chairman, other than the last meeting we have tabled it I believe until Mr. Bedetti had a chance to take a look at the property and make an assessment of that and there we go.

MR. KANE: Pat, you reviewed all the notes?

MR. TORPEY: Yes.

MR. KANE: I'll accept a motion.

MR. BEDETTI: Can I have a little discussion?

MR. KANE: Absolutely.

MR. BEDETTI: I'm going to speak on my own behalf, not speaking for the rest of the board, but I personally had a reluctance of boosting that number from 1 to 5 employees in an R-4 zone, in a residential zone, but after having visited the site the way it's kept, very well kept, the business is very well run, there's apparently no, none of the neighbors are in objection to any to the business at all. I was very impressed by the owner and the way she runs her operation and the location, how well it's kept. I did speak with her, I did have some reservations if I were to advance this

for an approval, I would like to do it with conditions and those conditions being that the number one, that we certainly cap it at five employees and nothing higher than five employees. I had some question relative to whether this in fact as truly a home professional office by the definition in the book. But it's about as close as you can possibly get. And like I said, I personally view it, am in favor of approval of this. The other two recommendations were that the business hours be restricted to 7 to 5 p.m. five days a week and I think we had one other one that because of the uniqueness of this business that there are no customers coming and going. The only, you know, cars that go in and out of there are the employees when they come in and she has a neighbor who works in there, probably doesn't even drive but anyway that if she would be, we give variances as to property, not necessarily to the business owner, that if she leaves that and this approval stays on the property virtually any kind of a business could go in there. And my recommendation would be that when she terminates this business this particular unique business when it gets terminated that the variance be terminated as well. That would be my three recommendations.

MR. KANE: What are the current hours of operation, Joe?

MS. FREDA: Eight to four Monday through Friday.

MR. MINUTA: May I have a moment please?

MR. KANE: Absolutely. Pat, Kathy, are you comfortable?

MS. LOCEY: I'm a little uncomfortable with terminating the variance.

MR. KRIEGER: I don't think legally that the third condition would pass muster. As I recall from the

public hearing however there was no sign and I think the off-street parking places were seven in number and if that were placed as a condition that there be no sign there be no increase in the parking places, while you can't say the variance is limited to that particular business it would make it virtually unusable by anybody unless they were to fall into the very unique circumstances.

MR. BABCOCK: It could be the same business but run by a different owner, you know, I mean, right now, if somebody wanted to go in there and buy her business and buy her house and run it in the same fashion that she runs it there really shouldn't been an issue. That would be the problem with terminating the variance if they personally, I don't know whether it's she or he, whatever, who runs the business so I don't know that that's the problem. I think what Barney's concerned about is becoming an automobile repair shop, a commercial business, I think that the way we have it here is that if you want to grant these variances based on what they've told us, that's it, that's all that can operate there, that same business and if not, they have to come back here.

MR. KANE: That's the building department's perspective on it, if somebody else came up that you would direct them, actually put a decline on it.

MR. BABCOCK: That's correct.

MR. KRIEGER: I think the concern is the impact on the neighborhood.

MR. BABCOCK: That's correct.

MR. KRIEGER: Visual impact.

MR. TORPEY: How long have they been there?

MR. BEDETTI: Twenty years.

MR. BABCOCK: She, he has been there a very long time, we did not even know they were there, that's how good neighbors they are, number 1. Number 2 is I understood that it was a relative that made the complaint and God only knows what that reason could have been, but it wasn't anybody in the neighborhood or anybody from that area that made a complaint or ever made a complaint.

MR. KANE: That's correct.

MR. BABCOCK: So I think what we're saying if they sell the business and somebody else buys it they should be able to sell their business if they'd like to. So I don't know if we can restrict it to who actually is there or who the five people might be. But what we can do is restrict it to what has been said at this meeting which goes in my file and if somebody else does something different than that they'd be in violation of their variance and we would give them an appearance ticket and the judge would say you've got to go back in front of the zoning board to get that approved and then you say yes or no.

MR. KRIEGER: You'd be in violation of the variance, same as you are now in violation of the zoning law and you're not protected by the variance.

MS. LOCEY: They're asking for a variance for home professional offices.

MR. BABCOCK: No, the home professional office is a permitted use there, it's the idea that they have more than one employee, that's the only thing they're here tonight to ask for, they have five employees instead of one. The rules go on to say that it's supposed to be carried on by the owner of the house. So if she no longer owns the house, she can't run her business there, she couldn't rent the house out and let somebody

else run the business, she would have to sell the house so that if I bought the house I could run that business as long as I own the house.

MR. KANE: So basically what we're looking at is just trusting that the building department would handle it if something else came up and our legal counsel is stating that the number 3 thing is really not something that might be enforceable.

MR. BABCOCK: In today's world I'm surprised we didn't know about it sooner because we get calls day in and day out of these things. That's how we're aware of them.

MR. TORPEY: But she's still quiet, nobody's bothering anybody, there's no traffic.

MR. BABCOCK: That's correct.

MR. KRIEGER: The object here is to give the building department if a complaint is made in the future the tools so they don't have to go through extensive investigation or whatever, they can just drive by and eyeball it and say hey, it doesn't match but as I say you can't limit it to this particular person.

MR. KANE: Comfortable?

MR. BEDETTI: If you're comfortable, if the building department is in fact going to give us the assurance that an automobile repair guy is not going to open up a business in there, I have no problem with her business, I have no problem with her business or the way it's run.

MR. KANE: Okay, so we're going to scratch the third.

MR. BEDETTI: Only protection of her neighbors that another type of business could move in there with the

option of five employees in this residential zone and I'd like to give them some protection as well.

MR. KANE: I think we have the assurances that that's built in.

MR. BEDETTI: If we have that, I withdraw my third condition.

MR. MINUTA: If I may interest the board with respect to the business as it is it's a family run business, my client's son, Chris, also works in the business and you know one day he may take over the business so you know with that caveat in mind.

MR. BEDETTI: That's not a problem.

MS. LOCEY: Is there a request for more than allowable off-street parking? Says here they propose seven off-street parking spaces.

MR. MINUTA: Actually, no, they're parking seven on the property, there are currently seven spaces located on the property.

MS. LOCEY: Off-street?

MR. MINUTA: Correct.

MS. LOCEY: What's allowed, are we giving a variance for that number of parking spaces?

MR. BABCOCK: No.

MS. LOCEY: That's written within the zoning?

MR. BABCOCK: Yes.

MR. MINUTA: That was also prior requirement under the old zoning code.

MR. KANE: The only thing they're here for is more than one person.

MS. LOCEY: Okay.

MR. KRIEGER: But you may want to place as a condition that they can't have more than seven parking spaces because that would--

MS. LOCEY: That's already a condition.

MR. BABCOCK: We're not going to let them have more than seven, if they blacktop the front yard we're going to have a problem with that.

MS. LOCEY: Well and our zoning regulations would prohibit that.

MR. KRIEGER: Right.

MS. LOCEY: So I don't think we need to state what's already written within the law.

MR. BABCOCK: Right.

MS. LOCEY: What about the possibility of restricting hours of operation?

MR. KANE: Well, given that Frank had asked for 7 to 5 and their operations is it 8 to 4?

MR. MINUTA: There is no issue, no.

MR. KRIEGER: Seven to 5 Monday through Friday.

MR. KANE: That was 8 to 4 Monday through Friday?

MS. FREDA: Yes.

February 25, 2008

18

MR. KANE: Leave it to the lawyer, details. Any further questions? Okay. I'll accept a proposal.

MS. LOCEY: I'll offer a motion to grant the requested variances on the application of Eve Freda as detailed in the agenda of the Zoning Board of Appeals meeting dated February 25, 2008 conditional upon restricted hours of operation being Monday through Friday 7 a.m. to 5 p.m. and no more than five employees to be part of that business.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. BEDETTI: And that was five days a week.

MS. LOCEY: Monday through Friday.



RESULTS OF Z.B.A. MEETING OF:

January 28, 2008PROJECT: Eve Freda (RLF Management)ZBA # 07-55

P.B.# _____



USE VARIANCE:

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) _____ S) _____

VOTE: A _____ N _____

VOLPE
BEDETTI
LOCEY
TORPEY
KANE

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒VARIANCE APPROVED: M) B S) L VOTE: A _____ N _____*Tabled*★ ~~VOLPE~~
BEDETTI
LOCEY
~~TORPEY~~
KANEA
A
A

CARRIED: Y _____ N _____

Medical Billing -One formal complaint - former employeeFootprint? SameNo signsWould like to return 2/25/08 AgendaAGENDA DATE: January 28, 2008

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Eve Freda (RLF Management)

DATE: January 28, 2008

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Mary Doupona	Garden Dr	- in favor
2.	Kaira Bunter	4 Louise Dr	- in favor
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
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16.			
17.			
18.			
19.			
20.			

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

In the Matter of the Application for Variance of

EVE FRED A (dba Freda Home Professional Office/RLF Management, Inc.)

**AFFIDAVIT OF
SERVICE BY MAIL**

#07-55

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 11th day of JANUARY, 2008, I compared the 41 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

28th day of January, 2008

J. Gallagher
Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/10

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. (07-55)

Request of EVE FRED A (dba Freda Home Professional Office/RLF Management Inc.)

for a VARIANCE of the Zoning Local Law to Permit:

Request for Variance to the provisions for Home Professional Offices which restricts the operation to employ no more than one person. Applicant proposes to employ five employees in the business. Applicant proposes a total of seven off-street parking spaces (Definitions - Section 300-89) in an R-4 Zone (47-1-35) As referred by Planning Board:

**PUBLIC HEARING will take place on JANUARY 28, 2008
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

J. Todd Wiley, IAO
Assessor's Office

October 26, 2007

Eva Freda
10 Louise Drive
New Windsor, NY 12553

Re: 47-1-35

ZBA# 07-55(41)

Dear Mrs. Freda:

According to our records, the attached lists of property owners are within five hundred (500) feet
Of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/lsk
Attachments

CC: Myra Mason, ZBA

47-1-22

Gloria Latorre
John & Rosella Sprenkle
5 Louise Dr.
New Windsor, NY 12553

47-1-23

Mignyetta Ramnani
233 Blooming Grove Tpke.
New Windsor, NY 12553

47-1-24

Livingstone & Susan Kuo
102 Shaker Ct. North
New Windsor, NY 12553

47-1-25

John & Dymrna Reidy
1 Louise Dr.
New Windsor, NY 12553

47-1-26

Joseph Fraguada & Martta Baebot
2 Louise Dr.
New Windsor NY 12553

47-1-27

Christopher & Babrbara Delventure
9 Louise Dr.
New Windsor, NY 12553

47-1-28

Richard & Dawn Vacek
7 Louise Dr.
New Windsor, NY 12553

47-1-29

Joseph & Gina Herska
162 Caesars Lane
New Windsor, NY 12553

47-1-30.1

Christobal Cox
160 Caesars Lane
New Windsor, NY 12553

47-1-30.21

Herta Koenig
156 Caesars Lane
New Windsor, NY 12553

47-1-30.221 & 47-1-31

Anthony F. & Marilyn F. Capicotto
11 Louise Dr.
New Windsor, NY 12553

47-1-30.222

Ron Tarablous
356 East 8th St.
New York, NY 10009

47-1-33

Debra Ann Capicotto
13 Louise Dr.
New Windsor, NY 12553

47-1-34

Ray & Lorena Reyes
15 Louise Dr.
New Windsor, NY 12553

47-1-36

Rose Piscitelli
8 Louise Dr.
New Windsor, NY 12553

47-1-37

Occupations. INC.
15 Fortune Rd. West
Middletown, NY 10970

47-1-38

Kevin & Phyllis Bunter
4 Louise Dr.
New Windsor, NY 12553

47-1-39

Sandra Naparstek
3 Louise Dr.
New Windsor, NY 12553

47-1-41

FHC Properties, INC
91 Blooming grove Tpke.
New Windsor, NY 12553

47-1-42

Nichola & Jeannette Losinno
89 Blooming Grove Tpke.
New Windsor, NY 12553

47-1-43

Jacqueline Mauchline
Anthony & Elaine Curcio
2 Garden Dr.
New Windsor, NY 12533

47-1-44

Steven & Carmela Pazoga
4 Garden Dr.
New Windsor, NY 12553

47-1-45

Gertrude Castanaro
6 Garden Dr.
New Windsor, NY 12553

47-1-46

William Gallagher
8 Garden Dr.
New Windsor, NY 12553

47-1-47

10 Garden St. LLC
2975 Rte. 9ws
New Windsor, NY 12553

47-1-48.1, 47-1-49.1 & 47-1-49.2

Windsor Enterprises, INC
5020 Route 9W
Newburgh, NY 12550

47-1-50

Warren Sanford
12 Garden Dr.
New Windsor, NY 12553

47-1-51

Thomas & Sheriann Franco
14 Garden Dr.
New Windsor, NY 12553

47-1-63

Adelbert & Vera Curry
40 Garden Dr.
New Windsor, NY 12553

47-1-64

Jane Macgregor
42 Garden Dr.
New Windsor, NY 12553

47-1-84
OSM Realty Llc
219 Blooming Grove Tpke.
New Windsor, NY 12553

44-1-30.2 & 44-1-30.3
Denise Calabrese
228 Blooming Gr. Tpke.
New Windsor, NY 12553

47-1-2-1
John Ramondino & Laura Russo
15 Garden Dr.
New Windsor, NY 12553

47-2-2
Irving Presetzky
13 Garden Dr.
New Windsor, NY 12553

47-2-5
Robert & Lisa Husted
7 Garden Dr.
New Windsor, NY 12553

47-2-6
Rui Gomes
5 Garden Dr.
New Windsor, NY 12553

47-2-7
Jerry Napolitano & Selina Cuevas
3 Garden Dr.
New Windsor, NY 12553

47-2-8
Mary Doupna
1 Garden Dr.
New Windsor, NY 12553

47-2-9
Kenneth Cameron
17 Garden Dr.
New Windsor, NY 12553

41-1-12 & 41-1-13
Gregory Joseph & Marie Beth Dasilva
108 Blooming Gr. Tpke
New Windsor, NY 12553

44-1-26 & 44-1-27
Mytori Inc.
314 Quassaick Ave.
New Windsor, NY 12553



RESULTS OF Z.B.A. MEETING OF: October 22, 2007

PROJECT: Eve Freda (RLF Management) ZBA # 07-55
P.B.# _____

P.B.# _____

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N._____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPBY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)____S)____ VOTE: A____N____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lo S) I VOTE: A 4 N 0

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ VOTE: A___ N___.

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N.

Letter from neighbors presented at meeting.

October 22, 2007

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 10-18-07

FOR: ESCROW 07-55

FROM:

Eve Freda
10 Louise Drive
New Windsor, NY 12553

CHECK FROM:

RLF MEDICAL MANAGERS INC.
10 LOUISE DRIVE
NEW WINDSOR, NY 12553

CHECK NUMBER: 1199

TELEPHONE: 562-7995

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

J. Hernandez 10-23-07

ZB# 07-55 ESCROW

RLF MEDICAL MANAGERS INC. 562-7995
10 LOUISE DR.
NEW WINDSOR, NY 12553-7712

1199

PAY
TO THE
ORDER OF

TOWN OF NEW WINDSOR

DATE 10.11.07

1-2
210

\$ 500.

DOLLARS

CHASE

JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com

FOR

⑈001199⑈ ⑆021000021⑆

6809106428⑈

Eve Freda

● **Town of New Windsor** ●
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#815-2007

10/23/2007

Rlf Medical Managers Inc. *ZBA 07-55*

Received \$ 125.00 for Zoning Board Fees, on 10/23/2007. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

● **Town of New Windsor** ●
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

CORRECTED
RECEIPT
#815-2007

10/24/2007

Rlf Medical Managers Inc. *ZBA 07-55*

Received \$ 150.00 for Zoning Board Fees, on 10/23/2007. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

October 22, 2007

10

EVE_FREDA_(DBA_FREDA_HOME_PROFESSIONAL_OFFICE/RLF_
MANAGEMENT,_INC.)_(07-55)

MR. KANE: Request for variance to the provisions for home professional offices which restricts the operation to employ no more than one person. Applicant proposes to employ five employees in the business. Applicant proposes a total of seven off-street parking spaces.

MR. MINUTA: Good evening members of the board, Joseph Minuta, Minuta Architecture representing RFL Management for this application. The current use has been in existence since 1972,. Miss Freda's father previously owned the property, he operated it as a printing business and when he passed away she inherited the property and ran that as a RLF Management which is a home business that utilizes medical billing. She has three relatives family members who are employed there as well as an adjoining property owner who also works there so she could be considered green if you will where they don't have to commute to work. We're here tonight, there's, we filled out both sides of the application which was for the variance for use and we also filled it out for an area variance because in our opinion we believe it's an area variance based on the number of people that are going to be at the location and the previous zoning. Also we also meet the previous zoning as far as 7 spaces is concerned, that was part of previous zoning. That's about it.

MR. KANE: Joe, it's been in existence 17 years?

MR. MINUTA: It's been in existence as RLF from 1988 from 1972, her father had owned the property as a home business which was a printing place.

MR. KANE: How many people have worked there totally over the last couple years?

MR. MINUTA: Five for some time, yes.

October 22, 2007

11

MR. KANE: Have there been any complaints formally or informally?

MR. MINUTA: No. Well, there's been one complaint which is why we're here before you. We have one complaint which is on file with the, with your offices. We also have a letter here that I will present to the board of the neighbors who are in favor of this application and they have signed on all the pages. So what we're looking to do this evening is seek a variance from you, obviously, at the public hearing and move on so we can formalize this business that's been in existence.

MS. LOCEY: What kind of business is it?

MR. MINUTA: They do medical billing.

MS. GANN: Just for the record, Joe, this is one company within this entire building?

MR. MINUTA: No, she's owner occupied, she lives there and it's her home business.

MS. GANN: But just one business?

MR. MINUTA: Yes, one.

MR. KANE: How many homes in the general immediate area?

MR. MINUTA: I'm going to say there's probably 12 homes within that little development.

MR. KANE: We've got ten signatures. Okay, none of the standard questions apply.

MR. KRIEGER: Well, I think the position of the town is it's an area variance because it's an allowed use, it's

a special permitted use, the permit has to come from the planning board but with that, it's an allowed use and it's just numbers. I should think among other things you want to ask about if these parking places are full does that impair the view of motorists?

MR. KANE: Right, any of the parking, well, we'll bring it up at the public hearing but any of the parking spaces here specifically number 7?

MR. KRIEGER: Seven, six, five and four.

MR. KANE: Going to inhibit the view from Louise Drive?

MR. MINUTA: There's no view, it's a cul-de-sac and we have a hedge row with a fence.

MR. KANE: They pull right in?

MR. MINUTA: Exactly.

MR. KRIEGER: So I should think for the final you want to have at least pictures of that.

MR. KANE: We've got one right over here. Joe's on the ball. The parking that's an existing paved parking area?

MR. MINUTA: Yes.

MR. KANE: And there's no problem with area coverage?

MR. MINUTA: No.

MR. KRIEGER: How big are the parking spaces?

MR. MINUTA: Standard stalls as far as size is concerned.

MR. KRIEGER: Cause the old, they have to meet the

October 22, 2007

13

current zoning.

MR. BABCOCK: Yeah, the current zoning is actually less today, it's 9 x 18, it used to be 10 x 20, so I'm sure they comply, the planning board is going to make him comply if they don't.

MR. MINUTA: They do.

MR. KANE: Okay, I think we have enough. Any further questions from the board? We have pictures of the cul-de-sac.

MR. KRIEGER: Unless your client is here, you'll need a proxy.

MR. MINUTA: She's here.

MR. KRIEGER: And also and I'm sure the board will want to go and it's further in the formal hearing but the nature of this business is there are no clients, customers, whatever?

MR. MINUTA: No, and that's exactly right.

MR. KRIEGER: It's unlike some uses which are service uses which would have somebody coming in so your reason for the variance is that the, your reason for having only 7 parking that's all you need because you just need parking for employees.

MR. MINUTA: That's correct. There's no coming and going of clientele if you will.

MR. KANE: Okay, accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Eve Freda a d/b/a Freda Home Professional Office/RLF Management Inc. for the requested variances as detailed on the agenda of the

October 22, 2007

14

Zoning Board of Appeals meeting dated October 22, 2007.

MR. TORPEY: I'll second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

April 27, 2007

Hon. Michael Kane, Chairman
New Windsor Zoning Board of Appeals
555 Union Ave.
New Windsor, N.Y. 12553

RE: Application of Freda "Use Variance"
Premises: 10 Louise Dr., New Windsor, N.Y.

Dear Hon. Kane and Members of the New Windsor Zoning Board of Appeals:

Please be advised that as evidenced by our signatures affixed to this correspondence, we support the granting of a "Use Variance" to the Fredas to operate their current medical billing business out of the lower portion of their home. They have been operating their medical billing business from that location since 1988. There is no negative impact on vehicular traffic in the area as no customers come to the residence, and, their business does not create any conditions which are adverse to residential living in our neighborhood.

Hence, we respectfully urge you to act favorably on the Freda application for a "Use Variance."

SIGNED:

1) Name(s) Rose Piscitelli

Date: 4/28/07

Address: 8 Louise Dr.
New Windsor, NY
12553
S.B.L.# _____

2) Name(s) Anthony Caputo

Date: 4/28/07

Address: 11 Louise Drive
New Windsor, NY
12553
S.B.L.# _____

Received at ZBA Meeting of 10/22/07

3) Name(s)

Address:

S.B.L.#

Date:

4) Name(s)

Address:

S.B.L.#

Date:

5) Name(s)

Address:

S.B.L.#

Date:

6) Name(s)

Address:

S.B.L.#

Date:

7) Name(s) Debra A. Capicotto
Address: 13 Louise Drive
New Windsor, NY
12553
S.B.L.# _____

Date: 4/28/07

8) Name(s) Ken R
Address: 4 Louise Drive
New Windsor, NY 12553
S.B.L.# _____

Date: 4/29/07

9) Name(s) Sandra Naparstek
Address: 3 Louise Dr.
New Windsor, NY
12553
S.B.L.# _____

Date: 4/29/07

10) Name(s) William Gallagher
Address: 8 Garden Drive
New Windsor, NY
12553
S.B.L.# _____

Date: 5/1/07

● TOWN OF NEW WINDSOR ●
REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 10-23-07 mm

DATE: 10-23-07 PROJECT NUMBER: ZBA# 07-55 P.B. # _____

APPLICANT NAME: EVE FRED A

PERSON TO NOTIFY TO PICK UP LIST:

Eve Freda
10 Louise Drive
New Windsor, NY 12553

TELEPHONE: 562-7995

TAX MAP NUMBER: SEC. 47 BLOCK 1 LOT 35
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: 10 LOUISE DRIVE
NEW WINDSOR, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1198

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

10.11.2007

Date

Application Type: Use Variance ☒ Area Variance ☐
Sign Variance ☐ Interpretation ☐

e-mail address: EFREDANT@yahoo.com

I. Owner Information:

EVE FREDA

(Name)

Phone Number: (845) 562-7995

Fax Number: (845) 562-7995

10 LOUISE DRIVE, NEW WINDSOR, NY 12553

(Address)

II. Applicant:

MINUT ARCHITECTURE, PLLC

(Name)

e-mail address: INFO@minutarchitecture.com

Phone Number: (845) 565-0055

Fax Number: (845) 565-6672

345 WINDSOR HIGHWAY, SUITE 100

(Address)

NEW WINDSOR, NY 12553

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()

Fax Number: ()

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

SEE ITEM II ABOVE

(Name)

(Address)

V. Property Information:

Zone: R-4 Property Address in Question: 10 LOUISE DRIVE

Lot Size: 0.37 ACRES Tax Map Number: Section 47 Block 11 Lot 35

a. Is pending sale or lease subject to ZBA approval of this Application? No

b. When was property purchased by present owner? 12.28.1987 (TRANSFERRED)

c. Has property been subdivided previously? No If so, When:

d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? YES

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section 300, Table of 89 Regs., Col. _____.

Describe proposal:

OWNER SEEKS VARIANCE FOR
EXISTING HOME PROFESSIONAL OFFICE
(SINCE 1988) TO CONTINUE OPERATION AS IS
WITH (5) FIVE CURRENT EMPLOYEES
(4) FOUR ADDITIONAL OVER THE (1) ONE
PERMITTED. THE BUSINESS IS A MEDICAL
INSURANCE APPLICATIONS AND PROCESSING
COMPANY TO WHICH NO CLIENTS VISIT
THE PREMISES.

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

DISAPPROVAL OF THIS "USE VARIANCE" WILL
FORCE THE OWNER TO RELOCATE HER
BUSINESS WHICH HAS BEEN IN OPERATION
FOR ALMOST 20 YEARS WITH NO NEGATIVE
IMPACT TO THE SURROUNDING NEIGHBORHOOD.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☒

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

- IX. **In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; NONE. ALTERNATIVE
IS TO RELOCATE EXISTING BUSINESS, CREATING
SIGNIFICANT HARDSHIP FOR OWNER.
2. Whether the requested area variance is substantial; NO. VARIANCE REQUESTED
FOR USE OF EXISTING CONDITIONS, NOT AREA
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; NONE. BUSINESS
HAS BEEN IN OPERATION SINCE 1988 WITH NO
NEGATIVE IMPACTS TO THE SURROUNDING
NEIGHBORHOOD.
4. Whether the alleged difficulty was self-created. NO. BUSINESS HAS
SIMPLY GROWN.

**After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

THE EXISTING BUSINESS HAS BEEN IN OPERATION
SINCE 1988 WITH NO NEGATIVE IMPACT TO THE
SURROUNDING NEIGHBORHOOD. OTHER ALTERNATIVES
WOULD CREATE SIGNIFICANT HARDSHIPS.
PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

BUSINESS ESTABLISHED IN 1988. PRIOR CODE REQUIRED 7 PARKING
SPACES. HE SEEK AN INTERPRETATION THAT THESE SPACES
COULD BE USED IN SUM FOR EMPLOYEES SINCE THE BUSINESS
DOES NOT HAVE WALKIN CUSTOMERS CLIENTS OR VENDORS.

PLEASE NOTE:

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☒ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

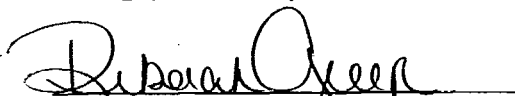
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

11th day of Oct 2007.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011


Signature and Stamp of Notary


Owner's Signature (Notarized)

Eve Geda
Owner's Name (Please Print)


Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

EVE FREDA, deposes and says that he resides
(OWNER)

at 10 LOUISE DRIVE, NEW WINDSOR in the County of ORANGE
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. 47 Block 1 Lot 35) which is the premises described in

the foregoing application and that he authorizes:

MINUTA ARCHITECTURE, PLLC., 345 WINDSOR HWY, NEW WINDSOR, NY
(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: October 11, 2007

Sworn to before me this:
11th day of Oct 2007

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
#4984065
Commission Expires July 15, 2011

**

Eve Freda
Owner's Signature (MUST BE NOTARIZED)

Applicant's Signature (If different than owner)

Deborah Green
Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

PROJECT I.D. NUMBER

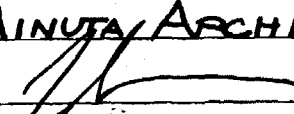
617.21

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR MINUTA ARCHITECTURE, PLLC	2. PROJECT NAME RLF MANAGE
3. PROJECT LOCATION: Municipality TOWN OF NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 10 LOUISE DRIVE, AT DEAD END OF CUL DE SAC, SEE S-1 FOR SITE LOCATION MAP	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: EXISTING HOME PROFESSIONAL OFFICE SINCE 1988 SEEKS VARIANCE TO CONTINUE OPERATION AS IS WITH (5) FIVE EMPLOYEES.	
7. AMOUNT OF LAND AFFECTED: Initially N/A acres Ultimately N/A acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly HOME PROFESSIONAL OFFICE CURRENTLY EMPLOYS (4) FOUR ADDITIONAL EMPLOYEES OVER THE (1) ONE PERMITTED	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: HOME PROFESSIONAL OFFICE IN R-4 DISTRICT AS DESCRIBED IN TOWN OF NEW WINDSOR ZONING CODE (300-89)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals TOWN OF NEW WINDSOR ZONING BOARD APPROVAL TOWN OF NEW WINDSOR PLANNING BOARD APPROVAL	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: MINUTA ARCHITECTURE, PLLC	Date: 10.8.2007
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the
 Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN § NYCRR, PART 617.12?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN § NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date



TOWN OF NEW WINDSOR

(845) 563-4615 (MYRA MASON)

ZONING BOARD APPLICATION PACKAGE



PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

*

ESCROW

THIS IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.


LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

PAGE 1

 **COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).**

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

TO ALL ZONING BOARD OF APPEALS APPLICANTS:

Please note the attached letter from Orange County Department of Planning asking that referrals be made to their office for review.

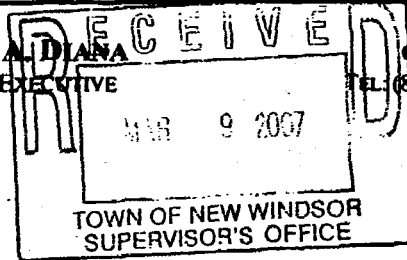
Due to this request, your application will be sent to Orange County Department of Planning for review. We are hoping to do this in a way that does not add to the time it normally takes to seek a variance.

Thank you for your cooperation in this matter.

ZONING BOARD OF APPEALS

**COUNTY OF ORANGE****DEPARTMENT OF PLANNING**

EDWARD A. DIANA
COUNTY EXECUTIVE



124 MAIN STREET

GOSHEN, NEW YORK 10924-2124

TEL: (845)291-2318 FAX: (845)291-2533

DAVID CHURCH, A.I.C.P.
COMMISSIONER

5 March, 2007

**POLICY REMINDER
REFERRAL OF CERTAIN MUNICIPAL PERMITS AND ACTIONS
to COUNTY PLANNING as per NYS GENERAL MUNICIPAL LAW §239 L, M & N**

NEW POLICY GUIDEBOOK ATTACHED

As an essential part of Orange County's renewed interest and involvement in planning and development policy, the Planning Department continues to gain staff capability and expertise. The Orange County Planning Department reviews all projects that meet the requirements of Section 239 of the NYS General Municipal Law (GML §239) for County referrals. Please be sure that your municipality is sending the required applications that come under the provisions of GML § 239. Keep in mind that if there is a project that falls under the non-mandatory review requirement, we will be glad to review it upon request of a municipal official.

A new guidebook is attached detailing the NYS GML §239 referral process here in Orange County. Additional copies of this guidebook can be downloaded at www.orangecountygov.com/planning.

As a refresher, prior to making a decision on certain permits or actions, GML § 239 requires that you send to County Planning a copy of the complete application for the following "proposed actions" that are within 500 feet of the properties or thresholds listed in the statute (GML § 239-m (3)):

1. The adoption of a municipal comprehensive plan, zoning ordinance or law, or an amendment to either one;
2. The granting of a use or area variance;
3. The issuance of special use permits;
4. Site plans for residential uses;
5. Site plans for non-residential uses;
6. Subdivisions plats;
7. Other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

Proposed "actions" must be referred to County Planning prior to your decision if they apply to real property within five hundred (500) feet of the following:

1. The boundary of any city, village or town;
2. The boundary of any existing or proposed county or state park or any other recreation area;

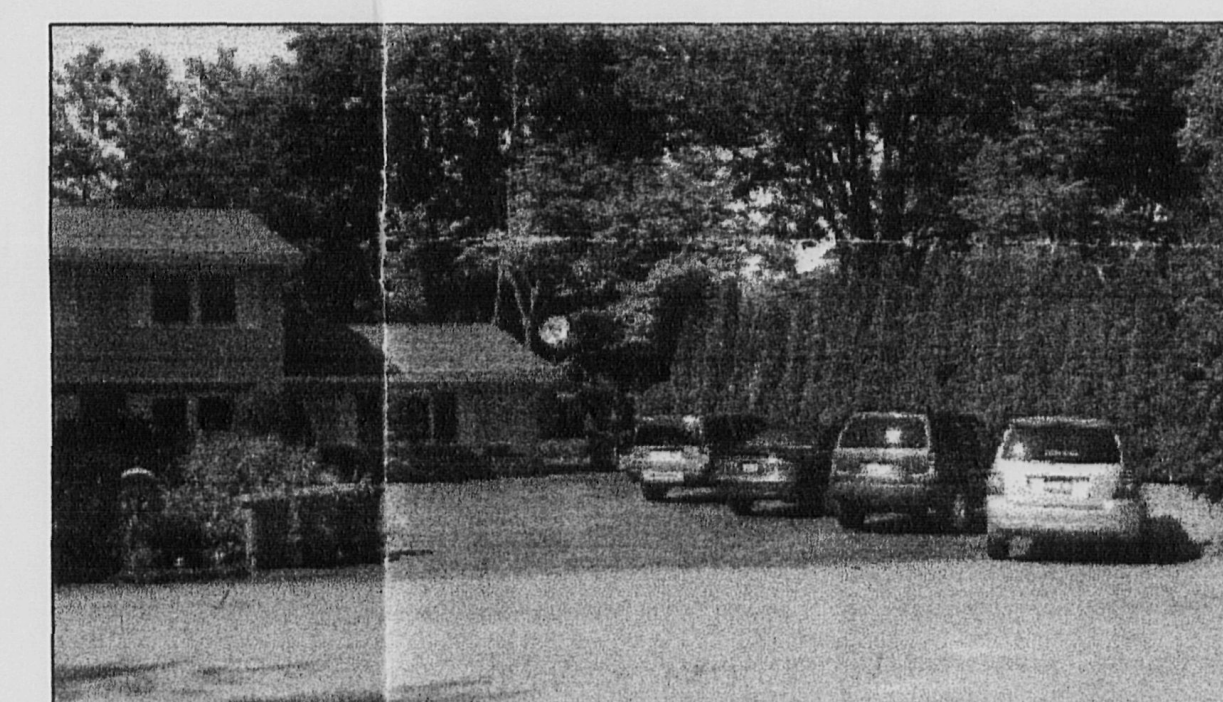
LEGEND	
	PROPERTY LINE
	ALUM FENCE
	HEDGES/ PLANTINGS
	EXIST PAVED SURFACE
	EXIST MASONRY SURFACE
	EXIST STRUCTURE
	EXIST CONC SURFACE

NOTE: A USE VARIANCE FOR A HOME PROFESSIONAL OFFICE IS REQUIRED PER TOWN OF NEW WINDSOR ZONING CODE (300-89). THE EXISTING PROPERTY HAS BEEN IN USE AS PROPOSED SINCE 1988. A TOTAL OF FIVE (5) EMPLOYEES ARE CURRENTLY EMPLOYED AT RLF MANAGEMENT WHICH IS FOUR (4) IN EXCESS TO THE NUMBER ALLOTTED BY CODE. SEVEN (7) PARKING SPACES ARE PROPOSED TO ALLOW FOR THE TWO (2) REQ'D BY CODE FOR A RESIDENCE, FOUR (4) ADDITIONAL FOR EMPLOYEE PARKING AND ONE (1) ADDITIONAL SPARE SPACE.

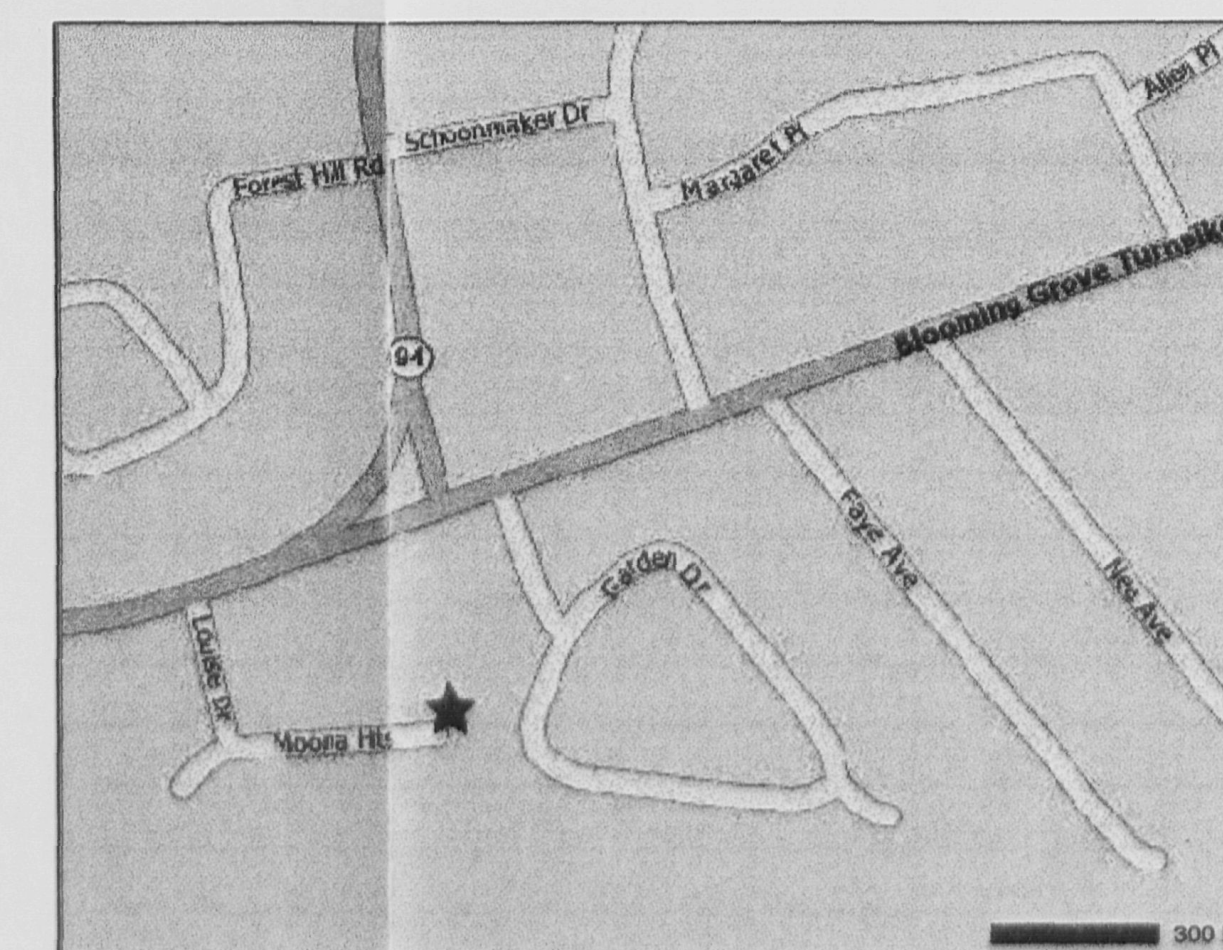
BULK TABLE REQUIREMENTS		
ZONING INFORMATION	ZONE : R-4 Residential	
	Proposed Use : Home Professional Office	
	Permitted with: By Special Permit	
MINIMUM REQUIREMENTS		
	Required	Provided
Lot Area	43,560 S.F.	16,120 S.F. *
Lot Width	125 FT.	105 FT. *
Street Frontage	10 FT.	105 FT.
Min. Livable SF	1,200 S.F.	3,180 +/- S.F.
YARD SETBACKS		
	Required	Provided
Front	45 FT.	31.4 FT.
Rear	50 FT.	77.7 FT. *
Side	20 FT.	10.5 FT. *
Both	40 FT.	36.4 FT. *
MAXIMUM PERMITTED		
	Permitted	Provided
F.A.R.	N/A	N/A
Developmental Coverage	20% / 3,224 S.F.	12.5% / 2,020 S.F. +/-
Height	35 FT.	22'-0" +/-
MAXIMUM PERMITTED		
	Permitted	Provided
Spaces	3	7 *
Size	9'-0" X 19'-0"	9'-0" X 19'-0"

* INDICATES PRE-EXISTING NONCONFORMING CONDITION

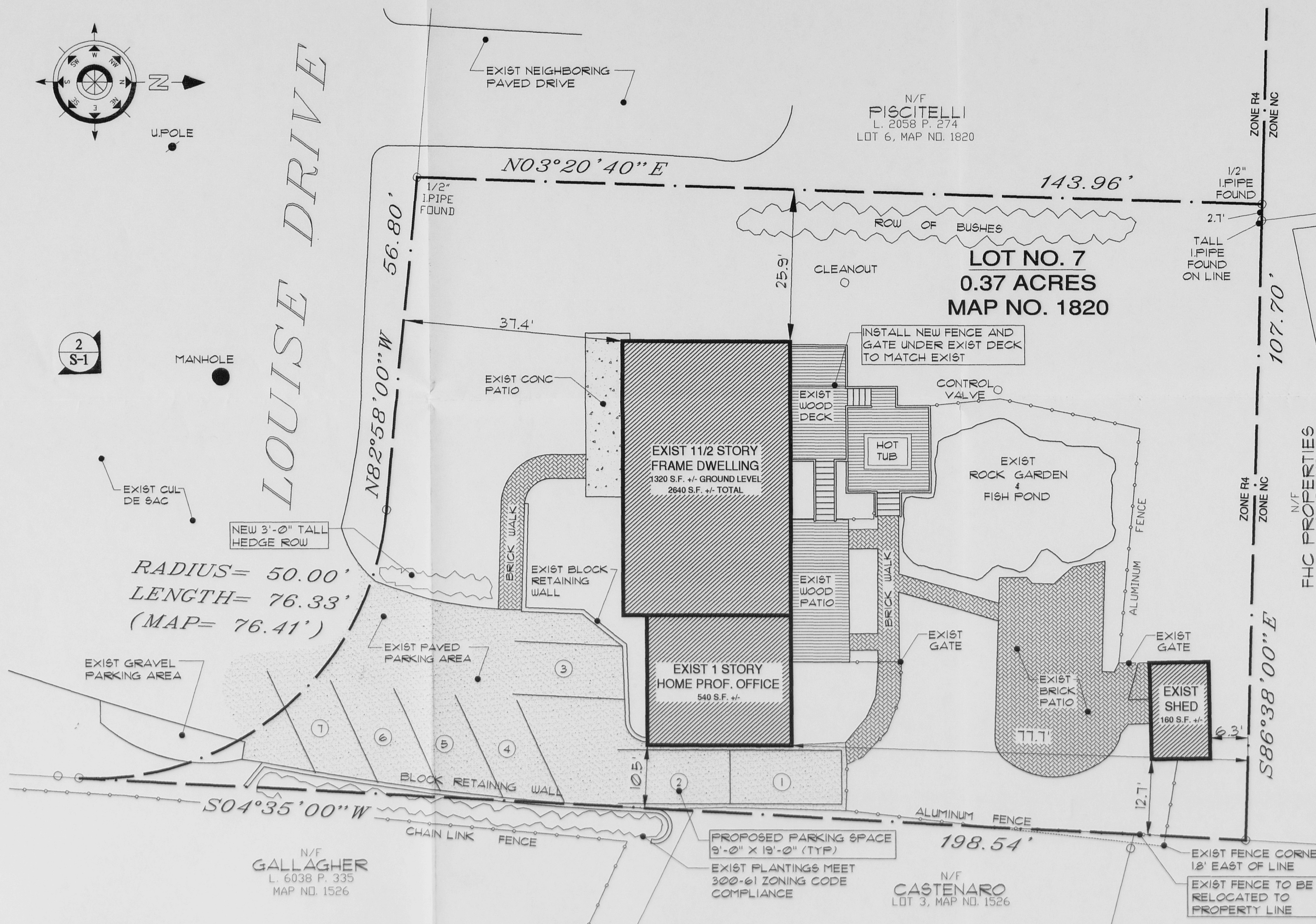
* INDICATES PRE-EXISTING NONCONFORMING CONDITION



2 Photograph of Existing Conditions
Scale: N.T.S.

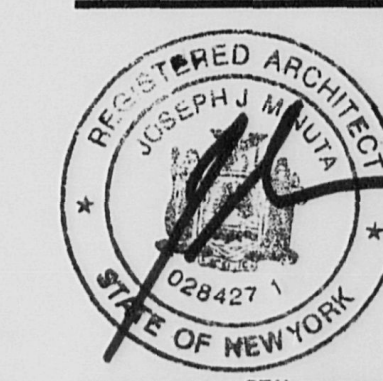


3 Site Location Map
Scale: N.T.S.



1 Site Plan
Scale: 1" = 20'-0"

NOTE: INFORMATION ON THIS PLAN HAS BEEN TAKEN FROM A PROPERTY SURVEY PREPARED BY ANTHONY A. SORACE P.L.S., NYS LIC. # 50181 FOR MRS. EVE FREDA DATED: JULY 3, 2007



Freda Home Professional Office Site Plan

RF Medical Management, Inc. - Mrs. Eve Freda, Owner
Sec. 47, Block 1, Lot 35
10 Louise Dr.
New Windsor, NY 12553

Date: 10.8.2007

Revisions:

Drawn By: MJ, SS & JT

Code Compliance Documents
for Zoning Board Approval

S-1